

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA**

In the Matter of:

Shaunika McMeans,

Debtor.

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Case No. 15-32925

Chapter 13

PURSUANT TO LBR 3007-1, THE COURT WILL TAKE THIS OBJECTION UNDER ADVISEMENT AND RULE, WITHOUT FURTHER NOTICE OR HEARING, UNLESS THE CLAIMANT FILES WITH THE COURT, WITH SERVICE UPON THE OBJECTING PARTY, A RESPONSE WITHIN 30 DAYS OF THE DATE OF SERVICE OF THIS OBJECTION.

**DEBTOR'S OBJECTION TO CLAIM NO. 3
OF CREDITOR BJ'S AUTO SALES, LLC**

COMES NOW the Debtor, by and through counsel, and hereby files this Objection to Claim No. 3 of Creditor BJ's Auto Sales, LLC and as grounds for the Objection will state as follows:

1. The Debtor filed a Chapter 13 bankruptcy on October 16, 2015. On Schedule F of the bankruptcy petition, Debtor listed "BJ's Auto Sales LLC" among the creditors holding unsecured claims against Debtor.
2. On January 12, 2016, creditor BJ's Auto Sales, LLC ("BJ's") filed Claim No. 3 in Debtor's case for \$13,790.00, claiming the entire amount as secured by a 2008 Nissan Altima. BJ's attached copies of a bill of sale and certificate of title to its proof of claim.
3. Debtor no longer possesses the 2008 Nissan Altima. The vehicle was totaled in an accident in early 2015, and Debtor no longer has it. Therefore, BJ's Claim No. 3 is not entitled to secured status under 11 U.S.C. § 506.

WHEREFORE, the premises considered, Debtor objects to Claim No. 3 of creditor BJ's Auto Sales, LLC being classified as secured and asks this Court to reclassify it as an unsecured claim.

Respectfully submitted January 21, 2016.

/s/ Joshua C. Milam (ASB-3046-T99U)
Attorney for Debtor
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the above foregoing objection on all parties listed below by CM/ECF or by mail on January 21, 2016.

Chapter 13 Trustee, Curtis C. Reding

Bankruptcy Administrator, Teresa Jacobs

BJ's Auto Sales, LLC
P.O. Box 312
Fort Deposit, AL 36032

/s/ Joshua C. Milam
Joshua C. Milam ASB-3046-T99U